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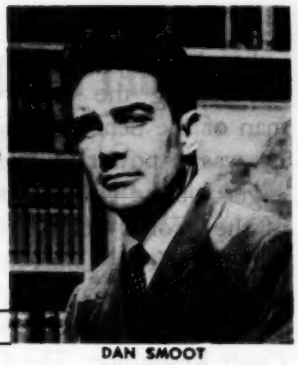

DAN SMOOT

THE CONNALLY RESERVATION

The Senate Foreign Relations Committee scheduled hearings for January 27, 1960, on the question of whether Congress should repeal the Connally Reservation.

Explanation of this momentous question was published in this *Report* on September 14, 1959, in the issue entitled "World Court." In brief, here is the background:

The United Nations Charter provides for a World Court, called the United Nations International Court of Justice. The United States became a member of the United Nations in July, 1945, when our Senate ratified the UN Charter; but we were not bound to accept jurisdiction of the World Court until we made a formal declaration to do so.

In November, 1945, Senator Wayne Morse from Oregon introduced a Resolution giving the consent of the U. S. Senate to the American government's accepting compulsory jurisdiction of the World Court. On December 17, 1945, Christian Herter (then a Congressman, now Secretary of State) introduced in the House a Joint Resolution to the same effect of the Morse Resolution.

The Morse Resolution provided that the World Court would *not* have jurisdiction over "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States."

When the Morse Resolution came before the Senate for a vote — August 1, 1946 — conservative Senators raised a vital question: Who will determine whether a matter is essentially within our jurisdiction? The Morse-Herter Crowd said the World Court itself should make the determination. Conservatives said this would give the World Court unlimited jurisdiction over our national affairs: the Court could hold that American immigration and tariff policies, for example, affect all nations and are, therefore, international matters, subject to control by international authority.

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Senator Tom Connally (democrat, Texas) was not among the conservative forces. As chairman of the Senate Foreign Relations Committee, he was a powerful friend of the UN and was eager for the United States to accept jurisdiction of the World Court. To allay conservative fears that the World Court might meddle in America's domestic affairs, Tom Connally proposed an amendment, or reservation, to the Morse World Court Resolution. The Connally Reservation consisted of six words: *as determined by the United States.*

On August 2, 1946, the Senate approved the Morse Resolution, with the Connally Reservation added to it. Thus, as finally enacted by the Senate, our formal "Declaration of Adherence" to the World Court provides that America will *not* accept the compulsory jurisdiction of the World Court in "matters which are essentially within the domestic jurisdiction of the United States *as determined by the United States.*"

Massive and concerted propaganda efforts to condition the Senate and the public to accept repeal of this Connally Reservation began 11 years later. The first great wave of propaganda broke around May 1, 1958, the first "Law Day, U.S.A.," when there was a sudden spate of rhetoric about "World Peace through World Law." During the next four months (May to September, 1958) this theme popped up in speeches of President Eisenhower, of his cabinet officers, of internationalist leaders of both parties in and out of government.

It all seemed a bit pointless until September 2, 1958, when Attorney General Rogers, in a public speech about "International Order Under Law," gave it a point: in order to promote World Peace Through World Law, the United States must "re-examine the Connally Reservation."

Within a few days after Attorney General Rogers made this speech, it was announced that Arthur Larson (former ghost writer for the President) had been established as Director of a new Rule of Law Center at Duke University Law School — the Center to concentrate on promoting "World Peace Through World Law." Durham, North Carolina, became the point of origin for news stories about the "young and dedicated" Mr. Larson who was working for world peace through world law — each story quoting him to the effect that the first step toward peace on earth must be repeal of the Connally Reservation, so that the World Court can take whatever jurisdiction it likes over American affairs.

There was a similar and simultaneous publicity puff for "young and dedicated" Charles S. Rhyne, 1957-58 President of the American Bar Association, now chairman of its "Peace through Law" committee.

In his State of the Union Message on January 9, 1959, President Eisenhower said he would propose measures to promote the "rule of law" in world affairs, including a "re-examination of our own relation to the International Court of Justice."

But he never got around to it: On March 24, 1959, Senator Hubert Humphrey (democrat, Minnesota) introduced a resolution to repeal the Connally Reservation. Modern republican Jacob Javitts joined Humphrey in proposing the resolution.

On April 13, 1959, Vice President Nixon publicly recommended modification of the Connally Reservation.

The first session of the 86th Congress adjourned without acting on the Humphrey resolution; but on November 17, 1959, President Eisenhower (in a letter to Senator Humphrey) gave the endorsement of his administration to the Humphrey proposal.

Promising to ask Congress for repeal of the Connally Reservation, the President, in his letter to Humphrey, expressed hope that this would give the world a more effective means "to prevent such brutal uses of force" as communists used in Hungary and Tibet!

If the President really believes (and if Senators and newspaper editors and commentators and

"leading citizens" throughout the nation, who applauded his letter to Humphrey, really believe) that surrendering the independence of America to a United Nations court will in any way curtail the communists in their program of conquest and subjugation by terror and mass murder — then there is dangerous insanity abroad in our land.

In his State of the Union Message of January 7, 1960, President Eisenhower said:

"In 1946, we accepted the (World) Court's jurisdiction, but subject to a reservation of the right to determine unilaterally whether a matter lies essentially within domestic jurisdiction. There is pending before the Senate, a resolution which would repeal our present self-judging reservation. I support that resolution and urge its prompt passage. If this is done, I intend to urge similar acceptance of the Court's jurisdiction by every member of the United Nations."

Thus, bipartisanism shrouds the question of repealing the Connally Reservation: which means that the White House and the leadership of Congress; the leaders of both political parties; and all potential presidential candidates in both parties — are all in favor of repeal.

This same bipartisanism will prevail in the presidential elections this year: which means that this — one of the most vital questions of the century — will not even be discussed as a political issue during the campaigns. American voters, trying to choose between republicans and democrats, for their next president, will have no opportunity to say *yea* or *nay* on the momentous question of whether the most powerful nation on earth should abdicate its independence as a sovereign republic.

And this means that the American people had better find some means of voting for an *American,* who believes in American independence under God and the Constitution. The means will not be easy to find; but if enough Americans were alarmed and angry enough to want a way, they would find it.

* * * * *

GLOBALLY ACCEPTABLE

An article in the January 4, 1960, issue of the Durham, North Carolina, *Morning Herald* (reporting that the Mary Reynolds Babcock Foundation of Winston-Salem, had given $75,000 to the World Rule of Law Center at Duke University) said:

"The center recently launched a study aimed at finding the common elements existing among the world's major legal systems, with a view toward eventually incorporating into a proposed international system of law those which bear on peace.

"(Arthur) Larson (Director of the Center) expressed the hope that . . . the study . . . 'can be followed by five or six others, each applying this new technique of the building of a globally acceptable body of law on the great issues relevant to peace, such as sovereignty, aggression, termination of treaties, and impartial third-party adjudication of disputes.' "

The American nation was founded on a concept of government — on the principle that individual human beings have God-endowed rights beyond the reach of government — loftier than any other legal concept ever proclaimed by any other human beings in the history of the world. For over a century, we held that concept aloft as a beacon for the rest of the world. It would have been considered treasonable for any American leader to suggest that we lower our standards or water down our noble principles of freedom so that we would be like the rest of the world. Among the oppressed peoples of the earth, there was a universal longing to follow our example — to struggle upward toward the lofty heights of freedom which Americans had reached.

Now, our distinguished leaders would pull us down to the international level — subjugate us to a "globally acceptable body of law."

God forbid! God give us men of character and vision who can awaken the sleeping people of

America and stir them to such wrath that they will reject the leadership of the incredible internationalists who are in control of both major political parties; who are in control of all branches of the federal government; who are in control of wealthy foundations and influential universities; who are in control of large sections of the press and broadcasting industry and of great church institutions; and who are determined to sink America into the morass of world government.

* * * * *

WORLD GOVERNMENT

World-Peace-Through-World-Law propagandists deny wanting world government. They imply that repeal of the Connally Reservation is as far as they wish to go; but the implication is false. Repeal of the Connally Reservation will be merely a step toward the end of American independence.

World-Peace-Through-World-Law propagandists now complain that the World Court has no *jurisdiction.* If we repeal the Connally Reservation and give the Court jurisdiction over our affairs, the same propagandists will then raise a new complaint: *the World Court has jurisdiction* to decide international disputes, but *has no power to enforce its decisions.* A new campaign will begin, to establish an international police power which can enforce World Court decisions.

Then, if the World Court decides that the United States must quit discriminating against people of other nations — by refusing to let them migrate here in unlimited numbers — and if the United States tries to maintain its own immigration policies, the international police force can occupy Washington and take over the affairs of the nation until the World Court decision has been obeyed: just as Eisenhower occupied Little Rock with federal troops to enforce compliance with a Supreme Court decision.

At that time, if we do not resist, we will have world peace through world law. If we do resist — if we try to save ourselves from the slavery of world law — we will plunge the world into the most horrible war of all times. We will be fighting on our own soil, in defense of our own land; but, in the eyes of the world, we will be outlaws: we will be fighting against the world, because we refuse to obey world law. We will be a rebel province in a socialist world government.

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LARSON'S CODE OF ETHICS

If any Americans simply cannot believe that our own "chosen leaders" would give the World Court jurisdiction over domestic American affairs involving our most precious constitutional guarantees against tyranny, they should examine some already-announced schemes.

Arthur Larson (as pointed out in the September 14, 1959, issue of this *Report)* insists that the World Court should have jurisdiction over matters involving "international libel and slander." Mr. Larson never hints that he wants World Court control over American broadcasters, writers, and speakers, who say things that some foreign government (the Soviet Union, for example) might consider libelous and slanderous. Mr. Larson cites the Middle East, where Nasser's Radio Cairo broadcasts ugly statements about foreign governments and officials.

If the World Court has jurisdiction to make Radio Cairo stop criticizing foreign officials and governments, will it not also have jurisdiction to make American broadcasters stop criticizing Castro, Khrushchev, and others?

Larson's implication that a repeal of the Connally Reservation would have any effect on the kind of "international libel and slander," which

he says Radio Cairo is guilty of, is silly: repeal of the Connally Reservation would enable the World Court to censor broadcasting in the United States; but no other nation would accept the Court's jurisdiction in such a vital field.

Yet we cannot dismiss Larson's argument merely because it is silly: remember that Mr. Larson is often called "Mr. Modern Republican." Modern republicans control the White House and the Supreme Court. Their identical twins — new-deal socialist democrats — dominate both House and Senate of the United States Congress. These forces *want* to limit freedom of speech and freedom of the press; and they mean business.

To wit: On October 11, 1959, Arthur Larson (on the occasion of announcing another foundation grant of money to the Duke University Rule of Law Center), said the Center expects to publish, in 1961, a

"definitive book on the topic of illegal propaganda, including a proposed voluntary code of ethics which can be submitted to the various countries of the world to supplement existing legal remedies and controls."

The sinister intent of this thing is obvious: Mr. Larson's "code of ethics" will define, as "illegal propaganda," printed or broadcast statements, within one nation, which are harshly critical of officials or governmental policies in another nation. Most nations (even the communists) are likely to "adopt" the code; but none, except the United States, will consider it binding on themselves. They will use the "code of ethics" as a propaganda tool and — especially in the case of communist nations — as a means of trapping and embarrassing the United States. Our internationalist leaders, however — not only because they want to be world leaders toward world peace through world law, but also because they want to curtail what they regard as reactionary and isolationist anti-communist propaganda in the United States — will take the code of ethics seriously, and consider it binding on our nation. This will set up a fine case for the World Court as soon as the Connally Reservation is repealed: Poland or India or Cuba (or a combination of many such nations) will bring suit against the United States in the World Court, charging us with permitting "fascist" and other "virulently anti-communist" publishers and broadcasters and public speakers to continue operations — in violation of the "code of ethics" which we ourselves prepared!

* * * * *

THE ABA PROPAGANDA WEAPON

One propaganda weapon being used to persuade the Senate and the public to accept repeal of the Connally Reservation is an American Bar Association report urging repeal.

On October 11, 1959, the American Bar Association released a special committee report which recommended repeal of the Connally Reservation. The report was dated in August, 1959. This two-month delay in releasing the committee report indicates how controversial it was, inside the Association — indicates the Bar Association's uncertainty about it.

The report was made by a Special Committee of the Section of International and Comparative Law, of the American Bar Association, and is called "Self-Judging Aspect of the United States' Domestic Jurisdiction Reservation with Respect to the International Court of Justice."

Notice that the title of the ABA Committee Report is slanted against the Connally Reservation: "self-judging aspect. . . ." Does any fair-minded man believe in "self-judging"? Notice also that President Eisenhower in his 1960 State of the Union Message used this same "self-judging" propaganda slant.

George S. Montgomery, Jr., a New York lawyer of international repute — an author, practic-

ing attorney, and widely recognized authority on constitutional law — says:

"The bias of the (Bar Association's) Special Committee is evident in the very first word of the title of its report. The use of the term "self-judging" represents cheap semantics at its very worst. It is . . . distortion of facts. The United States was under no obligation to submit *any* controversies to the World Court. When it chose to submit *some* controversies but not others, it was extremely proper to define . . . the extent of such submission . . . . The judgment of the United States that a controversy lies within its own domestic jurisdiction cannot be regarded as a judgment in its own favor in a case actually being litigated, which is the implication the Special Committee wishes to convey."

Mr. Montgomery wrote an analysis of the Bar Association's Special Committee report on the Connally Reservation — presenting excellent reason to believe that the report does not express the view of the Bar Association's governing body, its House of Delegates. Mr. Montgomery also says the report deliberately omits a major historical fact and that this omission is "a grave historical defect . . . . so basic as to vitiate . . . the reasoning and conclusions" of the whole report. He says:

"In September (1950), the State Department made the following pronouncement: 'There is no longer any real distinction between domestic and foreign affairs' (Department of State Publication 3972). And yet nowhere in the report of the Special Committee can be found the slightest reference to this action."

The point is that the World Court — composed of 15 judges, only one of whom can be an American — could cite this 1950 State Department declaration as authority for claiming jurisdiction over any American affairs: the State Department declaration clearly means that we have no affairs that are "essentially within the domestic jurisdiction of the United States."

Chapter Nine of the United Nations Charter expresses the dictatorship principle of government — the principle inherent in communism, socialism, fascism, nazism — namely, that government should actively promote material conditions which government considers good for the people. This is the opposite of our American constitutional concept of a government limited in powers and *prohibited* from meddling with the private affairs of people.

It hardly needs to be said that the United Nations' World Court would cling to the United Nations' concept of government — and not to the American constitutional concept. It is certain that *all* 15 judges on the World Court (including the *one* American) subscribe to the United Nations' dictatorship principle of government—otherwise, they wouldn't be there. Of the 14 non-Americans, some are from communist nations. Others are from nations which would be quick to sue us in the World Court, for the purpose of getting their hands deeper into our pockets. The remaining non-American judges have no interest in defending the independence of the United States or the pocketbooks of American taxpayers.

In short, if we removed the Connally Reservation to the 1946 Morse Resolution by which we accepted the jurisdiction of the World Court, we would leave the gate wide open for a World Court, composed of 14 foreigners and 1 internationalist American, to take complete charge of our governmental policies and of the intimate affairs of all our people; and the Court, if it felt the need, could cite as its authority, our own State Department's declaration that there is no longer any distinction between our domestic and foreign affairs.

The American Bar Association's special-committee report, presented as a learned and exhaustive study of the problem, does not even mention the 1950 State Department declaration. The report does notice the contention that repeal of the Connally Reservation would permit the World Court to assume jurisdiction in such delicate and important American affairs as tariffs, immigration, and the Panama Canal — but dismisses this contention by saying the World Court

would not accept jurisdiction in such matters because it would have no precedent for doing so! Indeed, the court has hardly any precedents at all. It makes its own, and (without the Connally Reservation) would dictate its own jurisdiction in American affairs. Many foreign nations would leap at a chance to bring charges in the World Court — to make us take down the bars against their surplus populations and products; and every communist nation would work to inspire a World Court suit to take the Panama Canal away from us.

In his analysis of the Bar Association's special committee report, New York Attorney George Montgomery says:

"Being aware of the concern of American senators and other citizens, with the danger of foreign supervision of these three matters (immigration, tariffs, and the Panama Canal), the Special Committee seeks to allay such fears. Its efforts . . . . are halfhearted and unconvincing. In fact, they harbor an invitation, poorly concealed, to the World Court at some future date to assume jurisdiction over any or all of these vital issues . . . . The tactics of the Special Committee reveal themselves startingly sinister.

"The probability . . . that *any* World Court would assume jurisdiction over cherished American domestic affairs following repeal of the Connally Reservation is obvious . . . .

"All of the members of the United Nations are *ipso facto* parties to the Statute creating the Court and the representatives of each are eligible for membership in the Court. The United States can have but one member. Of the remaining fourteen, two members already come from Iron Curtain countries — the Soviet Union and Poland. And there is no limit to the number which may eventually acquire representation, since election is by an absolute majority in both the General Assembly and the Security Council of the United Nations. . . .

"The Iron Curtain countries have not submitted themselves to the jurisdiction of the Court. Thus the judges from the Iron Curtain countries are empowered to adjudicate issues involving the United States and other nations, without any danger of setting precedents applicable to their own countries. . . .

"Were we mature in our appraisal of the existing international scene . . . we would withdraw from this World Court overnight. As long as we continue entrapped, however, it is infinitely preferable to have decisions as to domestic jurisdiction made by our own representatives. . . . The proposal (a) to eliminate the Connally Reserva-

WHO IS DAN SMOOT?

Dan Smoot was born in Missouri. Reared in Texas, he attended SMU in Dallas, taking BA and MA degrees from that university in 1938 and 1940.

In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for the degree of Doctor of Philosophy in the field of American Civilization.

In 1942, he took leave of absence from Harvard in order to join the FBI. At the close of the war, he stayed in the FBI, rather than return to Harvard.

He served as an FBI Agent in all parts of the nation, handling all kinds of assignments. But for three and a half years, he worked exclusively on communist investigations in the industrial midwest. For two years following that, he was on FBI headquarters staff in Washington, as an Administrative Assistant to J. Edgar Hoover.

After nine and a half years in the FBI, Smoot resigned to help start the Facts Forum movement in Dallas. As the radio and television commentator for Facts Forum, Smoot, for almost four years spoke to a national audience giving both sides of great controversial issues.

In July, 1955, he resigned and started his own independent program, in order to give only one side — the side that uses fundamental American principles as a yardstick for measuring all important issues.

If you believe that Dan Smoot is providing effective tools for those who want to think and talk and write on the side of freedom, you can help immensely by subscribing, and encouraging others to subscribe, to *The Dan Smoot Report.*

tion and (b) to subject the United States to the jurisdiction of this World Court . . . can only emanate from some form of suicidal folly on the part of the American nation. . . .

"The (Bar Association) Special Committee assures (us) . . . that the Connally Reservation can be eliminated without any permanent serious results, because there are ways out, in case the going proves uncomfortable.

"The Special Committee states that . . . the United States . . . may . . . terminate its entire Declaration of Adherence (to the World Court), including its acceptance of jurisdiction, on six months' notice. This is an astonishing suggestion, coming from a group which is so concerned with . . . world leadership for the United States. . . .

"The Special Committee suggests that, should the World Court engage in 'an errant incursion into domestic affairs,' the United States may exercise 'the veto power when the case went before the Security Council for enforcement.'. . .

"(This is) one of the most flagrant instances of irresponsibility on the part of a supposedly sincere group of American lawyers that I have ever encountered . . . . The Special Committee blandly asserts that the American nation can repudiate its obligations whenever they are distasteful, by resort to the veto procedure of the United Nations. . . .

"Let (us) . . . face the fact that once we have eliminated the Connally Reservation and committed ourselves to the mercies of this World Court, there can be no retreat with both peace and honor."

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BOUND VOLUME

We have sold out of Bound Volume IV (1958) of this *Report,* and cannot, therefore, accept further orders for this Volume — nor for Volumes I, II, and III.

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